

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

**FILED**

FEB 14 2017

  
CLERK

5:17-mc-3

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IN THE MATTER OF A GRAND  
JURY INVESTIGATION  
OF FACEBOOK ACCOUNT,

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MOTION FOR NONDISCLOSURE

The United States respectfully applies for an order of nondisclosure to Facebook, Inc. under 18 U.S.C. § 2705(b) regarding the account of:

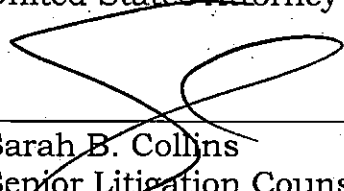
[www.facebook.com/profile.php?id=100004167137726](http://www.facebook.com/profile.php?id=100004167137726)  
Sally Springer

The United States has sought a subpoena for subscriber information, including all names, addresses, IP addresses, including historical, telephone numbers, other email addresses, information on length and types of services and any means of payment related to these accounts under the authority given by 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A). Based on § 2703(c)(3), the United States is not required to provide notice to the subscribers. Under § 2705(b), the United States may apply to the court for an order commanding Facebook Inc. not to notify the subscriber or any other person of the existence of the subpoena. The court may decide what length of time shall apply to the order of nondisclosure if the court determines the notification to the subscriber could result in one of the five factors listed in the statute, which includes destruction of or tampering with evidence. 18 U.S.C. § 2705(b)(3).

The basis for the request is that such disclosure could cause any person with access to the account, or any related account or account information, to tamper with or modify the content or account information and thereby destroy or tamper with evidence and otherwise seriously jeopardize the investigation.

Dated this 14<sup>th</sup> day of February, 2017.

RANDOLPH J. SEILER  
United States Attorney



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